

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JANUARY 22, 2019**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO A CONTRACT TO PROVIDE SERVICES TO THE STATE WATER RESOURCES CONTROL BOARD TO SUPPORT CANNABIS CULTIVATION POLICY WORK.

DISCUSSION

The State Water Resources Control Board's (State Water Board) mission is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. In furtherance of this mission, the State Water Board exercises authority over all of California's waters, including both surface water and groundwater.

This item will allow the Executive Director or designee to enter into a contract for up to \$3 million and a term of five (5) years with a contractor that will be selected through a Request for Qualifications (RFQ) process. The contract is for technical assistance with the development of long-term principles and guidelines (requirements) for cannabis cultivation pursuant to Water Code section 13149 and associated updates to the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* ([Cannabis Policy](#)). This contract will support State Water Board efforts to minimize the effects of cannabis cultivation on fisheries, wildlife, and water quality; maintain healthy riparian corridors; and protect springs, wetlands, and aquatic habitat.

Recent cannabis cultivation legislation enacted Water Code section 13149, which authorizes the State Water Board to adopt interim and long-term requirements for cannabis cultivation as part of a state policy for water quality control. The Cannabis Policy includes interim instream flow requirements that are based on a modification of the Tennant Method known as the Tessmann Method. The Tessmann Method was chosen because it fit the short timeframe for developing interim instream flow requirements and could be applied statewide with existing data. The work being requested under the RFQ is specific to developing long-term regional instream flow requirements using the California Environmental Flows Framework and the Flow, Form, Function Regional Methodology, which are currently under development. The contract that would be authorized under this resolution would provide the State Water Board with technical expertise, including recommendations, expert technical opinions, expert technical review, and application of methodologies and models to support the development and implementation of policy(ies) for water quality control for cannabis cultivation activities.

Per [Resolution No. 2015-0022](#), the Executive Director is authorized to execute contracts and amendments with public and private entities that individually involve no more than \$750,000 or three years duration. This item will authorize the Executive Director or designee to enter into a contract with a yet to be named consultant, for up to \$3 million and up to five (5) years, to provide technical assistance to the State Water Board in the development of long-term requirements for cannabis cultivation throughout California.

POLICY ISSUE

Should the State Water Board authorize the Executive Director or designee to enter into a contract with a yet to be named consultant, for up to \$3 million and up to five (5) years, to provide technical assistance to the State Water Board in the development of long-term requirements and state policy for water quality control for cannabis cultivation?

FISCAL IMPACT

This activity is budgeted with existing resources, and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Staff recommends the State Water Board adopt the proposed Resolution.

State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 4 of the Strategic Plan Update: 2008-2012 to increase sustainable local water supplies for meeting existing and future beneficial uses and ensure adequate flows for fish and wildlife habitat (Goal 3); and comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, throughout California's water planning processes (Goal 4). In particular, approval of this item will assist in fulfilling Objective 3.3 to ensure that adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversions of water for other uses.